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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,530	10/06/2003	William L. Mohan	MO-0214	3967

7590 09/27/2005

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EXAMINER

STULTZ, JESSICA T

ART UNIT PAPER NUMBER

2873

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,530

Applicant(s)

MOHAN, WILLIAM L.

Examiner

Jessica T. Stultz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 1, 2, 3, 5, and 6 are objected to because of the following informalities: claim 1, line 5, "area comprising a" should be "area comprising a"; claim 1, line 7, "rays for converting" should be "rays for converting"; claim 2, line 2, "wedge-prism lens" should be "wedge-prism lenses"; claim 3, line 2, "to compound" should be "to be compound"; claim 5, line 3, "that my be" should be "that may be"; claim 6, line 5, "are comprising the steps of providing" should be "area comprising the steps of providing". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 (and therefore dependent claims 3-5) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in claim 1, the phrase "a wedge-prism lens", and in claim 2, the phrase "said wedge prism lens comprises a pair of identical wedge-prism lens, one lens for each eye" are unclear since it is not clear whether the lens is one lens (as disclosed in claim 1) or multiple lenses (as disclosed in claim 2). For purpose of examination, the assumed meaning for claims 1-5 of the phrase "wedge-prism lens" is "at least one wedge-prism lens".

Claims 3-5 are rejected since they inherit the indefiniteness of the claims from which they depend.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Feinbloom.

Regarding claim 1, Parker discloses a vision correcting optical device for redirecting incoming image scene light rays from a person's damaged central macular retina area identified as the fovea to a predetermined non-damaged macular retinal area identified as the perifoveal area (Column 3, line 44-Column 4, line 43 and Column 6, line 56-Column 7, line 62, wherein the light rays are directed to a predetermined and most functional portion of the retina, i.e. a non-damaged portion of the retina, to improve the vision of macular degenerated eyes) comprising: at least one prism lens for receiving coaxial parallel light rays (Column 6, line 56-Column 7, line 62, wherein two prism lenses "48" are provided, Figures 1-5), for converting the light rays to parallel oblique rays prior to passing through a lens of the human eye and registering an image of the rays on the retina, whereby the at least one prism lens is effective to redirect light rays through the human eye lens to a predetermined focused position on a non-damaged macular retinal area (Column 3, line 44-Column 4, line 43 and Column 6, line 56-Column 7, line 62, wherein the light rays are directed to a predetermined and most functional portion of the retina, i.e. a non-damaged portion of the retina, to improve the vision of macular degenerated eyes), but does not specifically disclose that the prisms are wedge shaped. Feinbloom teaches of an

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assembly where prism lenses are used to redirect light rays and are wedge shaped (Column 4, line 32-Column 5, line 61, wherein the wedge-prisms “25” are rotated in an oriented relationship to each other, Figures 6-7) for the purpose of forming an image at a single point with binocular vision (Column 5, lines 45-61). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the optical device of Parker to further include wedge shaped prisms since Feinbloom teaches of an assembly where prism lenses are used to redirect light rays and are wedge shaped for the purpose of forming an image at a single point with binocular vision.

Regarding claim 2, Parker and Feinbloom disclose and teach of a vision correcting optical device as shown above and Parker further discloses that the at least one prism lens comprises a pair of identical prism lenses, one lens for each eye (Column 6, line 56-Column 7, line 62, wherein two prism lenses “48” are provided, Figures 1-5), the lenses being adaptable to be positioned so as to provide identical image repositioning to each eye to achieve binocular accommodation such that each eye is focused on the same point of interest (Column 4, lines 25-43, Column 5, lines 12-39, and Column 6, line 56-Column 7, line 62, wherein the lenses are positioned to convert the rays and form a focused image at the same point), but does not specifically disclose that the prisms are wedge shaped or that one of the lenses is rotated in an oriented relationship to the other lens. Feinbloom teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein one of the lenses is rotated in an oriented relationship to the other lens (Column 4, line 32-Column 5, line 61, wherein the wedge-prisms “25” are rotated in an oriented relationship to each other, Figures 6-7) for the purpose of forming an image at a single point with binocular vision (Column 5, lines 45-61). Therefore it would have

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been obvious to one having ordinary skill in the art at the time the invention was made for the optical device of Parker to further include wedge shaped prisms, wherein one of the lenses is rotated in an oriented relationship to the other lens since Feinbloom teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein one of the lenses is rotated in an oriented relationship to the other lens for the purpose of forming an image at a single point with binocular vision.

Regarding claim 3, Parker and Feinbloom disclose and teach of a vision correcting optical device as shown above and Parker further discloses that the prism lens are adaptable to be compound and supplement correction of an existing pair of image corrective optics (Column 5, line 64-Column 6, line 55, wherein the prism lenses "48" provide supplemental correction to corrective lenses "38", Figures 1-5).

Regarding claim 4, Parker and Feinbloom disclose and teach of a vision correcting optical device as shown above and Parker further discloses that the prism lens are adaptable to be installed in spectacle frames and worn by persons who require corrective repositioning of light rays (Column 5, line 12-Column 7, line 62, wherein the prism lenses "48" are formed in spectacle frame "28", Figures 1-5).

Regarding claim 5, Parker and Feinbloom disclose and teach of a vision correcting optical device as shown above and Parker further discloses that the prism lens are adaptable to be installed in spectacle frames and attached to glasses worn by persons who require other refractive vision correction (Column 5, line 12-Column 7, line 62, wherein the prism lenses "48" are formed in spectacle frame "28", which can be attached to vision corrective lens frame "12", Figures 1-5).

Regarding claim 6, Parker discloses a method of making a vision correcting optical device for redirecting incoming image scene light rays from a person's damaged central macular retina area identified as the fovea to a predetermined non-damaged macular retinal area identified as the perifoveal area (Column 3, line 44-Column 4, line 43 and Column 6, line 56-Column 7, line 62, wherein the light rays are directed to a predetermined and most functional portion of the retina, i.e. a non-damaged portion of the retina, to improve the vision of macular degenerated eyes) comprising the steps of: providing a first prism lens for a human eye, providing a second prism lens for the other human eye (Column 6, line 56-Column 7, line 62, wherein two prism lenses "48" are provided, Figures 1-5); positioning one of the prism lenses to convert the light rays to parallel oblique rays prior to passing through the lens of the human eye, and providing identical image repositioning to each eye to achieve binocular accommodation such that each eye is focused on the same point of interest (Column 4, lines 25-43, Column 5, lines 12-39, and Column 6, line 56-Column 7, line 62, wherein the lenses are positioned to convert the rays and form a focused image at the same point), but does not specifically disclose that the prisms are wedge shaped or that one of the lenses is rotated in an oriented relationship to the other lens. Feinbloom teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein one of the lenses is rotated in an oriented relationship to the other lens (Column 4, line 32-Column 5, line 61, wherein the wedge-prisms "25" are rotated in an oriented relationship to each other, Figures 6-7) for the purpose of forming an image at a single point with binocular vision (Column 5, lines 45-61). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the method of making an optical device of Parker to further include wedge shaped prisms, wherein one of the lenses is

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rotated in an oriented relationship to the other lens since Feinbloom teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein one of the lenses is rotated in an oriented relationship to the other lens for the purpose of forming an image at a single point with binocular vision.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gupta et al and Macoul are cited since they disclose lenses with prisms used to correct macular degeneration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz



JORDAN SCHWARTZ
PRIMARY EXAMINER

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Patent Examiner

AU 2873

September 22, 2005